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E-Filed 10/5/09

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 8 LARRY GABRIEL, ARCHITECT

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

11 KATHLEEN VENTIMIGLIA, individually and
 12 as the Guardian Ad Litem for STEPHEN
 13 VENTIMILIA and KELLIE VENTIMILIA,

14 Plaintiffs,

15 vs.

16 UNITED STATES OF AMERICA, CHAMBLIN-
 17 LANDES CONSTRUCTION, INC., a California
 18 corporation; WWD CORPORATION, a
 19 California corporation; DAVID FULLER,
 20 individually; JENNIFER RUDOLPH,
 21 individually; LARRY GABRIEL, individually;
 22 LARRY SPENCER CONSTRUCTION and
 23 DOES 1-50, inclusive,

24 Defendants,

Case No. 07 CV 05481 RS

~~PROPOSED~~ ORDER GRANTING
 DISMISSAL OF DEFENDANT,
 LARRY GABRIEL, ARCHITECT

25 Pursuant to the Stipulation by and between plaintiffs, Kathleen Ventimiglia, individually and as
 26 the Guardian Ad Litem for Stephen Ventimilia and Kellie Ventimilia and defendant, Larry Gabriel,
 27 Architect submitted herewith, IT IS HEREBY ORDERED:

28 That the above-captioned action is hereby dismissed with prejudice pursuant to Federal Rule of
 Civil Procedure 41(a)(1) as to defendant, Larry Gabriel, Architect, only. Each party to bear their own
 attorney's fees and costs.

IT IS SO ORDERED.

Dated: October 5, 2009

By: _____

Richard Seeborg
 United States Magistrate Judge